

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAMUEL ALLEN DUBYAK,

Petitioner,

vs.

BEN CURRY, Warden,,

Respondent.

No. C 09-4476 JSW (PR)

**ORDER OF TRANSFER**

(Docket No. 2)

Petitioner, a prisoner of the State of California currently incarcerated at the Correctional Training Facility in Soledad, California, has filed a petition for a writ of habeas corpus in this Court challenging the constitutionality of his state conviction from San Bernardino County. Petitioner has filed an application to proceed *in forma pauperis* (docket no. 2).

Venue is proper in a habeas action in either the district of conviction or the district of confinement, *see id* § 2241(d). Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Therefore, the Court ORDERS that pursuant to 28 USC § 1404(a) and Habeas LR 2254-3(b), and in the interest of justice, the Clerk of the Court shall TRANSFER this matter to the United States District Court for the Central District of California forthwith. In light of the transfer, this Court will not resolve Petitioner's pending motion (docket no. 2).

IT IS SO ORDERED.

DATED: April 27, 2010



JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SAMUEL A DUBYAK,  
Plaintiff,

Case Number: CV09-04476 JSW

**CERTIFICATE OF SERVICE**

v.


BEN CURRY et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 27, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Samuel Allen Dubyak  
CTF-Central  
D54700  
P.O. Box 689  
Soledad, CA 93960-0689

Dated: April 27, 2010

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk